

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

UNITED STATES OF AMERICA	:	CIVIL ACTION
ex rel. RONALD J. STRECK, et	:	NO. 08-5135
al.,	:	
	:	
Plaintiffs,	:	
	:	
v.	:	
	:	
ALLERGEN, INC., et al.,	:	
	:	
Defendants.	:	

O R D E R

AND NOW this **3rd** day of **July, 2012**, it is hereby **ORDERED** that Defendants' Motion to Dismiss (ECF No. 140) is **GRANTED** in part and **DENIED** in part.¹ Plaintiff's claims, both state and federal, against Defendants-AstraZeneca Pharmaceuticals, L.P., Biogen Idec, Inc., Cephalon, Inc., and Genzyme Corp. are **DISMISSED** for all AMP submissions before January 1, 2007. Plaintiff's claims, both state and federal, against Defendants-Allergan, Inc., Amgen, Inc., Bradley Pharmaceuticals, Inc., Eisai, Inc., Mallinckrodt, Inc., Novo Nordisk, Inc., Reliant Pharmaceuticals, Inc., Sepracor, Inc., and Upsher-Smith Laboratories, Inc. are **DISMISSED**.

¹

All claims dismissed in this order are dismissed with prejudice as to Ronald J. Streck and State Plaintiffs. Without opposition from Defendants, all claims dismissed in this order are dismissed without prejudice as to the United States.

Plaintiff's remaining state-law claims against Defendants-AstraZeneca, Biogen Idec, Cephalon, and Genzyme are dismissed as follows:

1. Plaintiff's claims under New Mexico state law are **DISMISSED**.

2. Plaintiff's claims under Delaware law are **DISMISSED** for any AMP submissions made before July 16, 2009.

3. Plaintiff's claims under New Hampshire law are **DISMISSED** with prejudice for any AMP submissions before June 29, 2009.

4. Plaintiff's claims under Texas law are **DISMISSED** for any AMP submissions before May 4, 2007.

5. Plaintiff's claims under Connecticut law are **DISMISSED** for any AMP submissions made before October 5, 2009.

6. Plaintiff's claims under Georgia law are **DISMISSED** for any AMP submissions made before May 24, 2007.

7. Plaintiff's claims under Indiana law are **DISMISSED** for any AMP submissions made before January 1, 2007.

8. Plaintiff's claims under Montana law are **DISMISSED** for any AMP submissions made before January 1, 2007.

9. Plaintiff's claims under New York law are **DISMISSED** for any AMP submissions made before April 1, 2007.

10. Plaintiff's claims under Oklahoma law are **DISMISSED** for any AMP submissions made before November 1, 2007.

11. Plaintiff's claims under Rhode Island law are **DISMISSED** for any AMP submissions made before February 15, 2008.

It is hereby further **ORDERED** that Defendants' Motion for Leave to File a Reply (ECF No. 156) is **GRANTED**.²

AND IT IS SO ORDERED.

S/EDUARDO C. ROBRENO
EDUARDO C. ROBRENO, J.

² The Court considered the substance of Defendants' reply brief in its disposition of Defendants' Motion to Dismiss.